

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

FRED HANEY, MARSHA MERRILL,)
SYLVIA RAUSCH, STEPHEN SWENSON,)
and ALAN WOOTEN, Individually and on)
Behalf of All Others Similarly Situated,)
)
)
Plaintiffs,) Civil Action No. 3:22-cv-00055-REP
)
vs.)
)
GENWORTH LIFE INSURANCE)
COMPANY and GENWORTH LIFE)
INSURANCE COMPANY OF NEW)
YORK,)
)
Defendants.)
)

**JOINT STIPULATION OF
SECOND AMENDED SETTLEMENT AGREEMENT**

Upon the stipulation of the Parties, through their undersigned counsel, the Parties agree as follows:

WHEREAS, on April 1, 2022, the Parties entered into a Joint Stipulation of Class Action Settlement and Release that superseded and replaced the Memorandum of Understanding (the “April 1, 2022 Class Action Settlement Agreement”) (ECF No. 28-1);

WHEREAS, on April 1, 2022, Plaintiffs filed a Motion to Direct Notice of the Proposed Settlement to the Class (ECF Nos. 26–28), and on May 2, 2022, the Court issued an Order Granting Preliminary Approval of Settlement and Directing Notice to Class (ECF No. 31);

WHEREAS, on July 6, 2022, the Parties entered into an Amended Joint Stipulation of Class Action Settlement and Release (the “Amended Settlement Agreement”);

WHEREAS, on August 1, 2022, the Claims Administrator sent the Class Notice to the Class (*see* ECF No. 28-5);

WHEREAS, on September 16, 2022, Plaintiffs filed a Motion for Final Approval of the Amended Settlement Agreement (ECF Nos. 33-1, 39–40);

WHEREAS, certain Class Members objected to the Amended Settlement Agreement, filing those objections between August 12, 2022 and October 19, 2022;

WHEREAS, on November 3, 2022, Plaintiffs filed a Reply Memorandum in Support of Plaintiff’s Motion for Final Approval of Class Action Settlement (“Plaintiffs’ Reply Memorandum in Support of Final Approval”) (ECF No. 79);

WHEREAS, following extensive, arms-length negotiations, the Parties reached agreements with Objectors Jane and Jeff Belkin, William and Linda Dudley, Doug and Bonnie Ebstyne, David Friedman, James Perry, Michael Podoll, and Thomas Toman (the “Settling Objectors”) to withdraw their objections in exchange for certain modifications to the Amended Settlement Agreement, subject to approval by the Court, and the Parties notified the Court of those agreements on November 16, 2022;

WHEREAS, on November 17, 2022, the Court held a hearing on Plaintiffs’ Motion for Final Approval of the Settlement;

WHEREAS, the Court ordered that the Parties submit a further amended Class Action Settlement Agreement by November 30, 2022 (ECF No. 94);

WHEREAS, the Court scheduled a further Final Approval Hearing for December 13, 2022;

WHEREAS, the Parties are simultaneously entering into a Joint Stipulation of Settlement with the Settling Objectors and filing a Joint Motion to Approve Settlement with Objectors;

WHEREAS, counsel for Plaintiffs Fred Haney, Marsha Merrill, Sylvia Rausch, Stephen Swenson, and Alan Wooten (“Named Plaintiffs”) and counsel for Defendants Genworth Life Insurance Company and Genworth Life Insurance Company of New York (“Genworth”) hereby submit for Final Approval the Second Amended Joint Stipulation of Class Action Settlement and Release (the “Second Amended Settlement Agreement”).

THE PARTIES NOW HEREBY STIPULATE AS FOLLOWS:

1. The Second Amended Settlement Agreement, attached hereto as Exhibit A, should be finally approved by the Court.
2. If the Second Amended Settlement Agreement or the Objectors’ Settlement Agreement is not approved by the Court, the Second Amended Settlement Agreement shall be void.

[signatures on next page]

DATED: December 1, 2022

Respectfully submitted,

/s/ Jonathan M. Petty (with permission)
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Counsel for Plaintiffs and the Settlement Class

DATED: December 1, 2022

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on the 1st day of December, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send a notification of such filing to all counsel of record.

/s/ Brian E. Pumphrey
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